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THE *LATINA COLONIA* OF LIVY xl. 43

By L. R. TAYLOR

The identity of the Latin colony mentioned by Livy under the year 180 B.C. has occasioned much discussion (xl. 43. 1):

Pisanis agrum pollicentibus quo Latina colonia deduceretur gratiae ab senatu actae. Triumviri creati ad eam rem Q. Fabius Buteo M. et P. Popilii Laenates.

This statement must be considered in relation to several other passages. The establishment of a citizen colony at Luna in 177 B.C. is recorded by Livy (xli. 13. 4-5):

Et Lunam¹ colonia eodem anno duo milia civium Romanorum sunt deducta. Triumviri deduxerunt P. Aelius <M. Aemilius> Lepidus Cn. Sicinius; quinquagena et singula iugera et semisses agri in singulos dati sunt. De Liguribus is captus ager erat; Etruscorum antequam Ligurum fuerat.

In the same year according to Velleius a colony—whether of citizens or of allies he as usual fails to designate—was established at Luca (i. 15. 2):

Aquileia et Gravisca et post quadriennium Luca.

In 168 B.C. Livy mentions a dispute over boundary lines between Luna and Pisae (xlv. 13. 10-11):

Disceptatum inter Pisanos Lunensesque legatos <est> Pisanis querentibus agro se a colonis Romanis pelli, Lunensibus adfirmantibus eum de quo agatur ab triumviris agrum sibi adsignatum esse. Senatus qui de finibus cognoscerent statuerentque quinqueviros misit Q. Fabium Buteonem P. Cornelium Blasionem T. Sempronium Muscam, L. Naevium Balbum C. Apuleium Saturninum.

Scholars who have preferred to accept the traditional text have identified the *Latina colonia* with Luca, explaining the slight discrepancy between Livy and Velleius as to the date of the colony by the fact that Livy records not its final establishment, but the

¹ Lunam is unquestionably the proper emendation of the reading *una* of the manuscripts.

senate's original provision for it.¹ But others have followed Mommsen² in referring all these passages to the colony of Luna.² In order to do this they have been forced to accept two emendations, the comparatively simple one of Luca to Luna in Velleius i. 15. 3, and the much more radical change of Latina to Luna in Livy xl. 43. 1.³ Against this interpretation may be urged not only the necessity of the two emendations which it entails but the fact that this is the only case where the *triumviri* who finally established a colony were not identical with the ones originally appointed for the purpose.⁴ In its favor is the fact that the appointment in 168 of Quintus Fabius Buteo as commissioner to settle the dispute between Luna and Pisae is particularly fitting since he was probably identical with the *triumvir* of the same name who made the original provisions for the colony in 180. Moreover—and this argument has had the greatest weight—from the foundation of Ariminum in 268 only twelve Latin colonies are generally believed to have been established in Italy, and Luca, or this Latin colony, whatever its identity, would make the thirteenth.

This theory of the twelve Latin colonies is one of the many interpretations of Mommsen which are quoted without due regard for the sources on which they are based. The only occurrence of the expression *duodecim coloniae* is in a passage of Cicero's *Pro Caecina* which refers to Sulla's punishment of the Volaterrani for their resistance to him (§102):

Iubet enim <sc. Sulla Volaterranos> eodem iure esse quo fuerint Ariminenses; quos quis ignorat duodecim coloniarum fuisse et a civibus Romanis hereditates capere potuisse.

Mommsen noted that exclusive of the *Latina colonia* of Livy xl. 43 there were only twelve additional Latin colonies founded in Italy

¹ Cf. Bormann, *CIL*, XI, 295; Nissen, *Italische Landeskunde*, II, 1, 287; Solari, *Topografia Storica dell'Etruria*, III (1915), 25 ff.; Pais, *Ricerche sulla Storia e sul Diritto Romano*, I (1918), 696 ff. Pais and Solari would also emend Lunenses to Lucenses in Livy xlv. 13. 10.

² Cf. Mommsen, *CIL*, I¹, 147–48. See also Kornemann, *s.v.*, *coloniae*, Pauly-Wissowa, p. 516; Ruggiero, *Diz. Epig.*, *s.v.*, *coloniae*, p. 453.

³ This reading is given without italics in the text of Weissenborn's commentary (1875), but Müller's revision, 1909, restores *Latina*.

⁴ Cf. the accounts of the establishment of the five citizen colonies in 194, Livy xxxii. 29; xxxiv. 45, and of Vibo Valentia and Copia, Livy xxxiv. 53; xxxv. 9 and 40.

beginning with the establishment of Ariminum in 268.¹ These, he believed, were the *duodecim coloniae* of Cicero; they were founded, he thought, under a less favorable constitution than the earlier Latin colonies. Yet the only respect in which these later colonies can actually be proved to have been inferior to the earlier ones is in that they had not the right to coin silver.² But that is a fact of no significance, for shortly after the opening of the Roman mint in 268, the very year Ariminum was established, that right was taken away even from the Latin colonies and allied cities that had previously exercised it. The issues of bronze coins made by several of these later Latin colonies after they were colonized show that there was no disposition to apply severe regulations with regard to coinage.³ Cicero's reference to the *duodecim coloniae* does not therefore provide sufficient justification to emend Livy xl. 43. 1.⁴

If then there is no good reason to doubt that a Latin colony was founded in 180 the question of its location must be considered. The possibility that it was established not at Luca but at Pisae itself has not, at least in recent discussions, received serious attention. Yet if Velleius had not mentioned the existence of a colony at Luca no one would have doubted that the colony for which the Pisans offered

¹ Mommsen, *History of Rome*, II, 52. Cf. *Staatsrecht*, III, 624; *Münzwesen*, pp. 317 ff.

² Mommsen's later view expressed in his article, "Die Stadtrechte von Salpensa und Malaca," *Ges. Schriften*, I, 295 f., was that the inhabitants of these twelve colonies were the *Latini coloniarii* mentioned by juristic writers. He believed that the rights accorded these later Latin colonies served as a prototype for the Latin rights subsequently granted even under the Empire (e.g., in the charters of Salpensa and Malaca). Yet he is not prepared to state the extent of these rights and the inferiority of the later colonies to the earlier ones with the definiteness of Marquardt (*Staatsverwaltung*, I, 53), Kornemann (s.v., *coloniae*, Pauly-Wissowa, p. 518), and Girard (*Droit romain*⁵, [1911], p. 109). Particularly Mommsen questions the inference which is drawn from Ulpian (v. 4) that these later communities differed from the earlier ones in lacking the right of *connubium*. The inadequate justification which the sources provide for these conclusions has recently been pointed out by Steinwenter, s.v., *ius Latii*, Pauly-Wissowa, X, 1, 1267-68.

³ Such issues were made by Ariminum, Beneventum, Firmum, and Brundisium.

⁴ The twelve Latin colonies were probably an alphabetical list of unknown content, headed by Ariminum. Beloch, *Italischer Bund*, pp. 155 ff., thought that they were identical with the twelve colonies which rebelled in 209 against the levies of money and soldiers made by Rome during the Hannibalic War (Livy xxvii. 9), and were accordingly punished in 204 (Livy xxix. 15). Since Ariminum was not in this list he emends Ariminenses of Cicero, *Pro Caecina*, §102, to Ardeates. The sanest view of the evidence is that of Steinwenter, *loc. cit.*

land was to be at Pisae. Otherwise Livy would naturally have stated where the colony was to be placed. If it was at Pisae it is easier to understand the later boundary dispute between Pisae and Luna, the difficulties of which have caused several scholars to emend Lunenses to Lucenses in Livy xlv. 13.¹ Pisae's offer of land for colonists followed immediately upon the deportation to Samnium of 47,000 Ligures Apuani who dwelt in the mountains near the coast and along the river Macra.² Their removal doubtless made available a part of Pisae's *ager* that had previously been subject to constant raids from this tribe.³ It also provided the territory for the citizen colony that was established with unusually large land grants three years later in *ager* which Livy said had been captured from the Ligurians but had formerly belonged to the Etruscans. What more natural than a later disagreement between the Pisani and the Lunenses as to the extent of the territory that was restored to Pisae in 180? The appointment, on the commission to settle the dispute, of one of the *triumviri* who had established the Latin colony in Pisae's *ager* is noteworthy. The considerable distance between Pisae and Luna which has caused some critics to believe that the dispute took place with Luca is no reason for emending Lunenses to Lucenses in Livy xlv. 13.⁴ The close relationship between Luna and Pisae is evident from a reference to Luna in an inscription under the name Luna Pisa,⁵ as well as from the fact that when Pisae received citizenship it was enrolled not in the Fabia ward with Luca but in the Galeria to which Luna and the other Ligurian cities belonged.

¹ Cf. Beloch, *op. cit.*, pp. 147-48; Solari and Pais, *loc. cit.* Against this emendation it may be urged that if the colony referred to was Luca one would expect Livy to speak of *coloni Latini*, not *coloni Romani*.

² Livy xl. 38 and 41.

³ Cf. Livy xxxix. 32; xl. 1.

⁴ From Strabo's description of the region (v. 2. 5, a passage with some textual difficulties) it would seem that the territory of Luna and Pisae joined and that Luca's *ager* did not extend to the sea. But Pliny's mention (*H.N.* iii. 51) of *colonia Luca a mari recedens* among the maritime cities of Etruria suggests a different view. Perhaps there was an extension of the city's *ager* when it was colonized by the triumvirs or by Octavian.

⁵ Cf. *CIL*, XIII, 1968 (Lugdunum) . . . qui sepellitus est L[u]nae Pisae in Tusci[a] ad flumen Macra.

A consideration of the history of Luca and Pisae makes it still more probable that the colony was located at Pisae.¹ Before 180 Luca is mentioned only in Livy xxi. 59 as the place to which Sempronius withdrew in 218 after his defeat by Hannibal near Placentia. The reliability of this statement has been questioned on the ground of military probability and of consistency with Livy's later narrative.² Luca is not once mentioned in the accounts of the long Ligurian wars either before or after the Latin colony of 180 was founded. It is likewise unknown in epigraphical and literary sources until the year 56 B.C., when, as the southernmost city of Caesar's province, it served as the meeting place of Pompey and Caesar in the famous conference of Luca.³ If it was the site of the Latin colony it must from Livy's statement have been a dependency of Pisae with little or no territory of its own. The accessibility of the site which later made Luca an important road-center could hardly have offset the disadvantages of its undefended position in the plain protected only by the river Auser from the Ligurian tribes on the north who were by no means thoroughly pacified in 180. Yet although they continued to make attacks on Luna and Pisae⁴ there is no record of any raid on Luca's territory.

Pisae on the other hand was a logical site for a colony. The tradition which is but slightly supported by archaeological evidence indicates that it was originally in Ligurian territory⁵ and was later

¹ The subsequent status of Luca and Pisae gives no help in determining which was the Latin colony. Both were later *municipia*, a status acquired by all Latin colonies after the Social War, and both were colonized by the triumvirs or by Augustus. Cf. evidence given by Bormann, *CIL*, XI, 273, 295.

² Cf. Weissenborn's note *ad loc.* See De Sanctis' recent discussion of Livy's sources in this passage (*Storia dei Romani*, III [1917], 2, 99-102), where, however, the trustworthiness of the reference to Luca is defended.

³ Cf., however, Festus, p. 155, Lindsay, where in a list of allied cities and Latin colonies that became *municipia* after the Social War the form Lucenses of the MSS has been emended both to Lucenses (so Lindsay and Beloch, *op. cit.*, p. 148) and to Locrenses (Mommsen, *Staatsrecht*, III, 236, note). The latter emendation is altogether possible since Locri was a *civitas foederata*.

⁴ Livy xli. 19.

⁵ Justin xx. 1, 11; Pseudo-Aristotle, *De mirab. ausc.* 92. There may be some truth in the tradition that Pisae was originally a Greek settlement. Cf. Pais, *Ancient Italy* (translated by C. D. Curtis, 1908), pp. 355-65.

conquered by the Etruscans who, however, seem not always to have been successful in holding it against the constant incursions of the Ligurians.¹ It first appears in history in 225 as a port that had contact with the west² and as such it is mentioned a number of times in the Hannibalic War.³ Already it must have been an ally of Rome. During the Ligurian wars in the first decades of the second century B.C. it was Rome's military and naval base against the Ligurians.⁴ The *provincia Pisae* or *Ligures*⁵ on the west coast and the *provincia Ariminum* or *Gallia* on the east were the two fields of operation assigned to the chief magistrates in Italy at this time. Both Pisae and Ariminum were then beyond the confines of Italy proper which seem not to have been extended to include them until the time of Sulla.⁶ Only great confidence in an ally can explain why Rome had not previously planted a colony at a frontier port of the importance of Pisae as she had colonized Ariminum long before. But she waited until in 180 the Pisans themselves requested a colony and offered for the purpose land that had become available because of recent Roman victories and the consequent deportation of the Ligures Apuani. The Pisans must have desired colonists to increase their population and to lighten their individual burdens in safeguarding against further Ligurian incursions. In their stipulation that the colony should be Latin, a type of community that would not essentially change Pisae's status as an ally, there is a further indication that the offer for which the senate passed a vote of thanks provided for a colony not merely within Pisae's *ager* but at Pisae itself, the city that continued to be Rome's base against

¹ Lycophron 1241; Servius on *Aeneid* x. 179. Cf. Bormann's summary of evidence, *CIL*, XI, 273.

² Polybius ii. 27. 1.

³ Polybius iii. 41. 2 and 4; iii. 56. 5; iii. 96. 9; Livy xxi. 39.

⁴ Livy xxxiii. 43; xxxiv. 56; xxxv. 3, 4, 6, 21; xxxviii. 35; xxxix. 32; xl. 1, 17, 19, 25, 26, 41; xli. 5, 12, 14, 15, 17, 19; xlii. 9; xliii. 9; xlv. 16, 17.

⁵ Livy xxix. 32; xli. 5; xlv. 16, 17. Cf. xli. 14, 15 where *Pisae* and *Ligures* are two separate provinces.

⁶ The old boundary line seems to be marked by the station *ad Fines* on the Tabula Peutingeriana. Cf. Bormann, *CIL*, XI, 273; Nissen, *op. cit.*, I, 71; II, i, 300.

the Ligurians.¹ In this period of active colonization² the senate must gladly have granted the request of the Pisans, the only instance recorded in which a city petitioned for a colony. Numerous colonies had been established as bulwarks against the Gauls, but as yet there were none to guard against the Ligurians who were proving fully as great a source of trouble. The planting of a citizen colony at Luna three years later indicates that the senate had come to a still fuller realization of the needs of the situation.

We have seen that there is no good reason to question Livy's record of a Latin colony in 180. In favor of placing this colony at Luca rather than at Pisae there is only Velleius' reference to an otherwise unknown colony at Luca. But his assignment of that colony to 177, the very date attested by Livy for Luna's colony, points to the strong probability that Luca has here crept into the text instead of the original reading Luna, to the colonization of which Velleius makes no other reference.

VASSAR COLLEGE

¹ Cf. references to Livy xli. and following cited above. Up to the end of Livy's narrative in 167, Pisae is still the chief naval and military base of the region although Luna is also mentioned several times. The military importance of both cities probably ended with the triumph over the Ligures Apuani celebrated in 155 by M. Claudius Marcellus to whom a column and a statue were erected in the Forum of Luna. Cf. *CIL*, I², 623 (=I¹, 539).

² In the first two decades of the third century fourteen citizen and four Latin colonies were founded in Italy. Between 184 and 180 citizen colonies were established at Potentia in Picenum, Pisaurum in Umbria, Mutina and Parma in Aemilia, and Saturnia and Graviscae in Etruria. In the same period a Latin colony was established at Aquileia in Cisalpine Gaul. The only colonies founded later than 180 were the citizen colonies of Luna (177) and Auximum (157). Cf. Kornemann's lists, *s.v.*, *coloniae*, Pauly-Wissowa, pp. 514 ff.